1944.

File No. Durgah Khawaja Legal Deptt II/44

B BRANCH

Subject:—

Rules and Notifications under the Durgah Khawaja Shareef Act 1950

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Office of the R.L.A.

1. Section 5(1) (e) (iii) of the Durgah Khawaja Saheb Act, 1936, provides that the Durgah committee shall consists of twenty five members, who shall be Hanafi Muslims, and shall include one member elected in the following manner:-

"One by the Muslim members of the Provincial Legislature of Bombay". The constituency entitled to elect a member is the Muslim members of the Provincial Legislature of Bombay (and not the Bombay Legislature itself). So long as the Muslim members of the Bombay Legislature have not ceased to be members of that Legislature they are entitled to elect a person on the Committee. Under the Durgah Committee Election Rules, 1939, the Secretary to the Council is the Returning Officer for every election (vide rule 4). The polling for election is not required to be held during the session of the Legislature (vide rule 15). None of the sections of the Government of Indian Act, 1935 suspended by the Governor under the Proclamation No.201, dated the 4th November 1939 affects the election by the Muslim members of Provincial Legislature of Bombay. The election to the Committee has therefore to be held according to the Rules made under section 14 of Act, as required by section 9(1) of the Durgah Khawaja Shaeb Act, 1936 (23 of 1936), read with rule 5 of the said rules.

Id/- P.N.M.
12/2/44.

Remembrancer of Legal Affairs.

U.R. to L.A. Office No.1193 dated 14th February 19444.

JPR.13/7/56.4c.